



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,588	07/02/2003	Pierre Mansur	GLM-1054	6176

27316 7590 10/18/2006

GREGORY L. MAYBACK, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT PAPER NUMBER

1764

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No. 10/612,588	Applicant(s) MANSUR, PIERRE	
	Examiner Virginia Manoharan	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 19-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (5,196,093) or Breithaupt et al (5,762,762) in view of Mansur (5,827,3740) or Mansur (6,227,214).

The above references are applied for the same combined reasons as set forth at pages 3 and 4 of the previous Office Action.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al or Breithaupt et al as applied to claims 1-11 and 15-18 above, and further in view of Pirone (5,720,856).

Pirone is applied for the same reason as set forth at page 5, second full paragraph of the previous Office action.

Applicant's arguments filed August 2, 2006 have been fully considered but they are not persuasive.

Applicant's argument that the " Examiner has not shown the requisite motivation from some teaching, suggestion, or inference in either Weber or Breithaupt or Mansur I or Mansur 11 or from knowledge available to those skilled in the art" is not considered well-taken.

Art Unit: 1764

There is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosure taken as a whole would suggest to one of ordinary skill in the art. In re Simon 174 USPQ 114 (CCPA 1972); In re McLaughlin, 170 USPQ 209 (CCPA 1971).

Nonetheless, the motivation to combine one over the other is provided below in response to applicant's further arguments.

That is, applicant further arguments that "...There is no automatic cleaning of the

Mansur I distillation chamber by any measure, let alone, an automatic cleaner having either "a post-filter heating element for superheating the water in said filter material to clean said filter material during a rejuvenation cycle" or a cleaning agent chamber communicating with said distillation chamber and supplying a given amount of said cleaning agent to said distillation chamber for cleaning said distillation chamber in a cleaning cycle" as required in claim 1.." are not persuasive of patentability because of the following reasons:

Weber at col. 11, lines 49-60, for example, describes a self-cleaning mode apparatus having a heating element 34 operating to create temperatures above that needed for distillation which would at least be suggestive of the argued "automatic cleaning". Compare e.g., with the preamble of claim 1 reciting a self-cleaning water purification apparatus for automatically creating distilled water. Furthermore, Weber at col. 16, lines 47-50, further describes a final filter 105 which additionally remove any vestiges of the disinfecting material (deemed corresponding to the claimed cleaning agent) added to the water. Moreover and contrary to applicant's assertions, Mansur '374 at col. 4, lines 37-41 and col. 7, lines 46-55, discloses a cleaning solution contained within the holding tank 40 being released into a distillation 60; and providing a distillation chamber structured and disposed to receive the charge of cleaning

solution therein respectively .Both would at least be suggestive of the argued “a cleaning agent chamber communicating with said distillation chamber and supplying a given amount of said cleaning agent to said distillation chamber for cleaning said distillation chamber”.

Thus, in the absence of anything which may be “new” or “unexpected result.” a prima facie case of obviousness has been reasonably established by the art and has not been rebutted. Unexpected results must be established by factual evidence. Mere arguments or conclusory statements in the specification, applicants’ amendments, or the Brief do not suffice. In re Linder, 457 F.2d 506, 508, 173 USPQ 356, 358 (CCPA 1872). In re Wood, 582, F.2d 638, 642, 199 USPQ 137, 140 (CCPA 1978).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


This application contains claims 19-30 drawn to a nonelected invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Art Unit: 1764

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 571-272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 128 / 264